



Office of the Washington State Auditor
Pat McCarthy

Compliance Audit Report

Police Training and Certification

Des Moines Police Department

Required notifications to the Criminal Justice Training Commission for the
period January 1, 2022, through December 31, 2023

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Office of the Washington State Auditor

Pat McCarthy

May 5, 2025

Chief Ted Boe
Des Moines Police Department

Report on Police Training and Certification Audit

Attached is the official report on our audit assessing the Des Moines Police Department's compliance with RCW 43.101.135, which requires law enforcement agencies notify the Criminal Justice Training Commission of certain incidents involving officers.

Our independent audits provide essential accountability and transparency of law enforcement agency operations. These audits are valuable to local governments, the Legislature and the public in assessing police accountability efforts.

If you are a member of the media and have questions about this report, please contact Assistant Director of Communications Adam Wilson at (564) 999-0799. Otherwise, please contact Program Manager Michael Huynh at (564) 999-0831.

Pat McCarthy, State Auditor

Olympia, WA

cc: Monica Alexander, Executive Director, Criminal Justice Training Commission
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AUDIT RESULTS

This report contains the results of our independent compliance audit of the Des Moines Police Department from January 1, 2022, through December 31, 2023.

We conducted the audit under the authority of RCW 43.101.465. This law allows the Criminal Justice Training Commission (CJTC) to request the Office of the Washington State Auditor to audit any law enforcement agency to ensure it is following laws, policies and procedures governing the training and certification of the police officers and corrections officers it employs.

Based on the CJTC's request, we examined whether the Des Moines Police Department complied with RCW 43.101.135. This law requires law enforcement agencies to notify the CJTC within 15 days when any of their officers:

- Have faced an initial disciplinary decision for alleged behavior or conduct that may result in suspension or revocation of certification
- Leave employment with the agency for any reason
- Use force that causes death or serious injury
- Are charged with a crime

This law helps ensure the CJTC is aware of police or corrections officers who have engaged in conduct that could lead to their suspension or decertification. Police and corrections officers must obtain and maintain certification to be employed in Washington. The CJTC is responsible for certifying officers when they pass required training and background checks and decertifying them if they engage in any conduct that requires revocation. The CJTC must decertify officers if they are:

- Convicted of a felony offense, domestic violence or various sex crimes
- Prohibited from possessing a firearm
- Terminated from employment for unlawfully using force that resulted in death or serious injury, for failing to intervene or report excessive use of force or for making false statements

The CJTC can revoke or suspend certifications for other misconduct, including sexual harassment, fraud and using firearms, other weapons or vehicles recklessly. Officers who are decertified for engaging in these types of misconduct cannot be employed at any law enforcement agency in Washington even if they quit before an investigation is complete.

Methodology

Our audit involved reviewing data from the CJTC, as well as personnel records, internal affairs investigation files and disciplinary records from the Des Moines Police Department. We compared the number of incidents reported to the CJTC to the number of incidents the Des Moines Police Department's records indicated. We also reviewed agency policies and procedures regarding the reporting requirements and interviewed officials responsible for notifying CJTC of these incidents.

Results in brief

We found the Des Moines Police Department sustained four misconduct allegations against police officers, but did not report three of them to the CJTC. The Department reported the fourth after the 15-day requirement. The Department said that state law lacks sufficient clarity to guide reporting decisions. State law lists some specific behavior and conduct that would require reporting. However, other parts of the law are subjective. To help law enforcement agencies understand the conduct requiring notification, CJTC officials said they would develop guidance.

The Department notified the CJTC of all eight officers who left employment during the audit period, but it sent four notifications after the 15-day deadline.

AUDIT FINDINGS AND RECOMMENDATIONS

Misconduct

The Department sustained four misconduct allegations against officers for behavior that could result in revocation under RCW 43.101.105, but did not report three of them to the CJTC

Law enforcement agencies are required to notify the CJTC within 15 days of an initial disciplinary decision for an officer whose alleged behavior or conduct may result in decertification under RCW 43.101.105. The Department tracks all complaints and allegations about officer behavior and has a policy directing the resulting investigations.

Complaints can come from various sources, including community members, third parties, agencies or Department employees. All Department employees are required to accept and forward complaints to the accused officer's supervisor, who logs the complaint. Supervisors have the authority to impose discipline for minor policy violations. For more severe violations, the supervisor will route the complaint to command staff for classification and potential investigation.

The Department requests other law enforcement agencies to complete all criminal, biased-related or excessive force investigations. If the complaint is a noncriminal policy violation, Department personnel investigate and submit their findings to the Division Commander. The Commander reviews the investigative file, the employee's personnel file and any other materials relevant to the investigation and makes an initial disciplinary decision. If the Commander sustains an allegation, the Chief reviews the investigation to make a final disciplinary decision and determines if they need to report it to the CJTC.

The Department had six sustained violations that required an initial disciplinary decision. During our audit, the Department reviewed the notification requirements and submitted a notification to the CJTC for one sustained violation, which was 741 days after the deadline. We reviewed the remaining investigative files and found that two allegations involved behavior or conduct not covered by RCW 43.101.105 and were not required to be reported. However, the Department should have reported three remaining investigations to the CJTC. We consulted with CJTC leadership, who determined the Department should have notified them once the Department made an initial disciplinary decision. The Department sustained the following violations, but did not report them to the CJTC. It found:

- Five officers violated the state's vehicle pursuit law and the Department's pursuit policy by pursuing a driver who was not suspected of a violent or sexual offense.

- An officer violated the Department’s Taser deployment policy. The officer fired his Taser to stop a person fleeing on a street median. The person then fell on the street and hit his head. The Department considers a median an elevated surface and Taser use is therefore discouraged because of the increased risk of injury. The Department also noted that the officer violated state law because they did not have probable cause to stop the person. State law requires an officer to have probable cause that a crime has been committed to use force to make an arrest.
- An officer violated policy by mishandling a person’s personal property and improperly disposing of narcotic evidence.

The Department said the RCW lacks sufficient clarity to guide reporting decisions

The Chief said the misconduct reporting standard is subjective. He said some interpretations of the requirements could result in reporting nearly all officer misconduct. The Department is committed to reporting the misconduct it is required to; however, without guidance, it is difficult to determine what to report.

RCW 43.101.105 lists some specific behavior and conduct that could lead to decertification and would require reporting. However, some parts of the law require judgment. One subsection in the law states that officers can be decertified for failing “to meet the ethical and professional standards required of a peace officer or corrections officer.” The CJTC determined the Department should have reported each of the three sustained violations in question under this subsection. CJTC leadership also said Department should have reported the sustained stun gun violation under another subsection of the law; when an officer uses force that “could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer.” The Chief said that when making reporting decisions, he distinguishes between deliberate misconduct and honest mistakes. Deliberate misconduct would clearly demonstrate the officer does not meet ethical standards required of their position.

To help law enforcement agencies understand the conduct requiring notification, CJTC officials said they would develop a list of examples of conduct that fails to meet the ethical and professional standards of officers.

Officer Separation

The Department notified the CJTC of all eight officers who left employment during the audit period, but sent four notifications after the 15-day deadline

Law enforcement agencies are required to notify the CJTC within 15 days when any of their officers leave employment for any reason, including termination, resignation or retirement. The law also requires law enforcement agencies to report their reasoning if they allow an officer to resign or retire in lieu of termination. This must include the results of any investigations. The CJTC created a “notice of officer separation” form to facilitate the notifications. The form includes areas

for basic demographic information, the reason for separation (such as resignation, termination or retirement), and a field to write details of an applicable investigation. The form also includes check boxes to mark “yes” or “no” for the following questions:

- If resignation, retirement or medical separation: Did the officer do so in lieu of termination?
- Was the officer under investigation or accused of any wrongdoing or misconduct at the time of separation?

The Department created an offboarding checklist to ensure it follows procedures when an officer leaves employment. The checklist includes completing the notice of separation form, which is the Chief’s Executive Assistant’s responsibility. The Chief or Assistant Chief reviews and approves the form before the Executive Assistant submits it through the CJTC’s web portal. If an officer resigns or retires in lieu of termination, the Chief would also add the reason for separation to the form.

We found eight officers left the Department between 2022 and 2023. The Department gave us the completed “notice of officer separation” forms showing it notified the CJTC of all separations. However, the Department sent four notifications after the 15-day deadline: 95, 100, 125 and 366 days after the officers had resigned or retired. The Chief said because of changes in the command staff during the audit period, he was unable to confirm the specific processes for separation notifications in place at that time. However, he said the Department’s current policies and procedures will ensure all notifications are submitted on time. The offboarding checklist assigns specific tasks to specific employees, and Department policy requires them to submit the notification within 15 days.

Use of Force and Criminal Charges

No officers used deadly force or were charged with a crime during the audit period, so the Department did not need to notify the CJTC of any such occurrences

Law enforcement agencies are required to notify the CJTC within 15 days if an officer uses force that results in death or serious injury or is charged with a crime. In addition, agencies must also have a formal policy requiring officers to report any pending criminal charges and resulting dispositions to their agency. Department policy requires officers to notify their supervisors whenever they use deadly force and of any past or current criminal detention, arrest, charge, plea or conviction from any state or country. The policy also states that the Department will report these incidents to the CJTC within 15 days and that the Assistant Chief is responsible for submitting the notification for criminal charges. However, the policy does not specify who is responsible for submitting use of deadly force notifications. Command staff said they would be responsible for completing the notification form and an executive assistant would submit it to the CJTC.

The Department reported that no officers used deadly force or were charged with a crime during the audit period. We also found no indication of such occurrences.

Recommendations

We recommend the Des Moines Police Department:

- Document all processes related to required notifications to the CJTC in policies or procedures
- Ensure it sends all notifications to the CJTC by the 15-day deadline

We recommend the CJTC develop guidance for law enforcement agencies to ensure they understand the types of conduct or behavior that could lead to officer decertification and require notification.

AGENCY RESPONSE



Des Moines Police Department

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206-878-3301

April 17, 2025

Pat McCarthy, State Auditor
Office of the Washington State Auditor
PO Box 40021
Olympia, WA 98504

Dear Mrs. McCarthy,

Thank you for the opportunity to participate in the Police Training and Certification Audit. We found your audit staff to be professional, responsive and fair. We have reviewed the document and concur with the audit's findings and recommendations. This audit has allowed us to review our internal processes and identify where we need to improve to assure we are in compliance with our obligations for CJTC and RCW reporting.

Instead of waiting for the audit results, we have implemented several process and policy changes immediately upon issues being identified. For example, several of our reporting gaps were the result of relying on one individual to complete the reporting with no back up or accountability. As we have experienced several key staff changes in the rating period, this single point of failure approach resulted in missed reporting. We implemented on and off boarding checklists with clear responsibility for the completion of tasks required and included executive level review within 15 days.

We also look forward to the CJTC providing more clarity on specific cases that they would like forwarded to them for review in areas where the law is subjective. Our goal is to provide all information needed in a timely and transparent manner.

Thank you for this opportunity.

Chief Theodore Boe
Des Moines Police Department
21900 11th Ave S
Des Moines WA 98198

CRIMINAL JUSTICE TRAINING COMMISSION RESPONSE



WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

Monica Alexander, Executive Director

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April 29, 2025

Michael Huynh
Breanna Perry
Washington State Auditor's Office
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RE: Des Moines Police Department Audit

The Washington State Criminal Justice Training Commission (WSCJTC) thanks the State Auditor's Office (SAO) for its efforts on this audit of the Des Moines Police Department's compliance with the notification requirements of RCW 43.101.135.

We also want to recognize the Des Moines Police Department and its leadership for their professional cooperation during the audit, which reflects their agency's commitment to accountability and transparency.

As the audit notes, some sections of the revocation law are very specific and provide clear notice to agencies regarding the types of misconduct that must be reported. WSCJTC concedes, however, that RCW 43.101.105(3)(j)(iv), necessarily involves some subjectivity. That subsection provides in part that officers may be revoked, suspended or retrained after engaging...

in any conduct or pattern of conduct that: Fails to meet the ethical and professional standards of a peace officer or corrections officer; disrupts, diminishes or otherwise jeopardizes public trust or confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the Constitution and laws of the United States and the state of Washington.

Accordingly, WSCJTC appreciates the SAO's recommendation that it provide guidance to agencies regarding notification requirements related to violations of subsection (3)(j)(iv).

To begin with, WSCJTC notes that it already routinely responds to inquiries from agencies who desire guidance on the scope of the revocation statute and the need to provide notice under RCW 43.101.135. Agencies can simply contact the Certification Bureau for feedback and advice by email or phone. Inquiries should be directed to the

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Bureau's Operations Manager, Valerie Jenkins-Weaver, at valerie.weaver@cltc.wa.gov or (206) 835-7376.

WSCJTC is also working on a list of the types of misconduct that it has charged under (3)(j)(iv) and will provide outreach and education on this topic within the next few months. Such a list will not necessarily be exhaustive—i.e., conduct that is not on the list can still violate the revocation statute. Accordingly, when agencies are unclear on whether conduct implicates (3)(j)(iv), or any other subsection of the revocation statute, we encourage them to contact the Certification Bureau and/or consult with their legal counsel.

In the meantime, we wish to note WSCJTC's position that an agency's sustained finding that an officer has violated a state law that restricts agency or officer law enforcement authority must invariably be reported under RCW 43.101.105(3)(j)(iv). It cannot be disputed that where state law sets a law enforcement standard or restriction, a violation of that standard or restriction by its very nature equals conduct that "fails to meet the ethical or professional standards required of a peace or corrections officer."

It is also important to note that when it comes to reporting, the revocation statute makes no distinction between intentional and negligent misconduct. Rather, any violation of officer ethical and professional standards must be reported. An officer who mistakenly believes they had probable cause to arrest, but they did not, has violated the federal constitution, state law, and professional standards in the exact same way as an officer who arrested an individual despite knowing there was no probable cause. The officer's good faith may be a mitigating factor in WSCJTC's decisions regarding investigation, charging, and discipline, but it does not absolve the agency of the required notification under RCW 43.101.135.

Sincerely,



Kimberly A. Bliss
Assistant Director, Certification

cc: Jim Brownell, State Auditor's Office
Mike Devine, Investigations Division Manager
Valerie Jenkins-Weaver, Operations Division Manager

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